THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26349 of 2005

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Dated:09.12.2005

Between:

M/s.Daspalla Chitralaya Theatres,

Rep. By its Managing Director G.K.Mangaraj,

S/o.Sri Kamaraj, Age 58 years, Occ:Business,

R/o.Vijayawada.

..... PETITIONER

AND

The Municipal Corporation,

Rep. By its Commissioner,

Visakhapatnam.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.26349 of 2005

ORDER:

M/s.Daspalla Chitralaya Theatres, represented by its Managing Director and the lessor of the land on which the theatre is constructed filed the instant writ petition seeking a declaration that the action of the respondents in proposing to demolish a part of the petitioners' theatre for the purpose of widening the road as illegal and arbitrary. In support of the prayer, the Managing Director, the first petitioner herein, alleged in the affidavit accompanying the writ petition that the respondents marked the affected portion of the road side from Saraswathi Junction to Jagadamba Junction in Alluri Seetharamaraju Road, and that action is likely to be taken for demolishing the structures affecting the parking area, parlour (canteen) and the watchman shed.

After perusing the averments in the writ affidavit, when the case was called before the lunch session, this Court directed the learned Standing Counsel for Visakhapatnam Municipal Corporation to get instructions in the matter. When the case is called during the post lunch session, the learned Standing Counsel, after obtaining instructions, submits that the writ petition is filed on a mere apprehension and though there is a proposal for widening the road, no action, whatsoever, is taken or initiated. Therefore, the writ petition, which is filed on a mere apprehension without any factual foundation is not maintainable.

The Writ Petition is accordingly dismissed, giving liberty to the petitioners to assail any illegal action of the respondents-Corporation.

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(V.V.S.RAO, J)

09.12.2005

vs